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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/217,414	12/21/1998	JAN VAN EE	PHA23.409	8357

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EXAMINER

HO, THE T

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 02/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/217,414

Applicant(s)

VAN EE ET AL.

Examiner

The T. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 have been examined and are pending in the application.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the citizenship of the inventor, Yevgeniy Eugene Shteyn.

Specification

3. The disclosure is objected to because of the following informalities: the phrase "if not all" at line 28 page 23 is repeated. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant recites "The implementing mechanism as claimed in claim 6" on lines 43 and 46, which is an inappropriate dependent because it depends from claim 7. For the purpose of art rejection, it is interpreted as "The implementing mechanism as claimed in claim 7" as best understood and as it appears to be.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-6, 10-15, and 17-20 are rejected under 35 U.S.C. 102(a) as being unpatentable by Humpleman U.S Patent No. 6,288,716.

As to claim 1, Humpleman discloses effecting tasks (Fig. 10) associated with user selection (human operator, line 24-25 column 5) of task-associated objects (Power, Channel, Volume... of 706, Fig. 10) and being associated with an environment (710, Fig. 10), environmental devices (Dads TV 712, Jims DVD 712... Fig. 10), resources including user interface facilities (interface 802, Fig. 10), communication facilities (Serial bus 1394, Fig. 1), display facilities (704, and 706, Fig. 10), and input facilities (a mouse or other point-and-click device, line 26 column 5); a tasking software system (a mechanism, line 14 column 2) includes a state tracking subsystem (ICON variation representing a particular state of the home device, line 28-29 column 10) supports (provide, line 38 column 10) context determination (particular state, line 38 column 10), a cluster formulation subsystem (software and/or hardware saving the particular steps taken by a user while interacting, line 18-19 column 22) formulates clusters (macro, line 30 column 21), each cluster has selected objects (macro file 1210, Fig. 15), being responsive (macro generation 1204, Fig. 15) to context (create macro 1202, Fig. 15), a cluster presentation subsystem (the home device's macro list, line 39 column 22)

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supports (is saved as, line 38 column 22) the formatting and presentation of task-- associated objects (macro file 1210, Fig. 15) of an active cluster (macro name button, line 40-41 column 22), a transition subsystem (session manager, line 29 column 14) supports (generates, line 29 column 14) transitions (allows users to command and control, line 30-31 column 14) among formats/presentations (session page, line 29-30 column 14) of an active cluster; the tasking software system operating in coordination with the resources (ICON variation line 28-29 column 10, software and/or hardware line 18-19 column 22, the home device's macro list line 39 column 22, session manager line 29 column 14) so as to display via the display facilities (802, Fig. 10) and responsive to context (when the user selects the device button, line 64-65 column 15), clusters (Dads TV 712, Fig. 10) of task-associated objects (Power, Channel, Volume... of 706, Fig. 10) and, by selection (to command and control, line 30-31 column 14) of any such object, to enable a user to activate (perform, line 32 column 14) a task (various functions, line 32 column 14) respecting one or more environmental devices (the home devices, line 31 column 14).

As to claim 2, Humpleman further discloses the cluster formulation subsystem re-formulates (712 is selected, line 5 column 16, and 712 is deactivated, line 8 column 16) the clusters (804, Fig. 10), responsive to context (selection by the user, line 11-12 column 16), and on an adaptive and dynamic basis (the user selects the device button 712, line 64-65 column 15).

As to claim 3, Humpleman further discloses the cluster presentation subsystem supports the formatting and presentation of objects (804, Fig. 10), responsive to context

and on adaptive and dynamic basis (the user selects the device button 712, line 64-65 column 15).

As to claim 4, Humpleman further discloses the transition subsystem supports transitions among clusters as to active status (allows users to command and control the home devices that are connected to the home network, line 30-32 column 14).

As to claim 5, Humpleman further discloses the state tracking subsystem supports context determination by gathering data (several variations, line 26 column 10) respecting (representing, line 28 column 10) at least one of environmental, device, system and temporal states (particular state of the home device, line 28-29 column 10).

As to claim 6, Humpleman further discloses the user interface has a graphical user interface (710, and 804, Fig. 10).

As to claim 10, Humpleman further discloses collateral software (security mechanism, line 13 column 21) enabling user recognition and authentication (particular authorized users, line 15 column 21).

As to claim 11, Humpleman further discloses the tasking software system has distribution facilities (External connection, line 57 column 20) providing for distribution of functions and operations (home network 1100, Fig. 14) of the tasking software system and its subsystems over, between or among of a first implementing mechanism (104, 106, and 116, Fig. 14), additional implementing mechanisms (120, Fig. 14), environmental devices (108, and 110, Fig. 14), other external computing devices (a user can remotely control home devices connected to the home network, line 5-6 column 21), other computer system(s) and network resources (Internet, line 63 column 20).

As to claim 12, Humpleman further discloses the resources and tasking software system coordinate (Fig. 3A) so as to support tasking of the implementing mechanism (HTML file, Fig. 3A) by the user selection of objects (Button "Click" selection, Fig. 3A) as displayed by the display facilities (Display to user, Fig. 3A).

As to claim 13, Humpleman further discloses the resources and tasking system coordinate so as to enable the implementing mechanism to emulate (Control/Command, Fig. 3A) environmental devices (Home device 204, Fig. 3A).

As to claim 14, Humpleman further discloses a task-associated object (the home device's macro list, line 39 column 22) has a macro object (macro name button, line 39 column 22) if selected, being enabled to change a state (perform the particular sequence of instructions, line 25-26 column 22) of environmental devices.

As to claim 15, Humpleman further discloses a macro object is user defined (steps of creating a macro from Fig. 15).

As to claim 17, Humpleman discloses presenting a plurality of task-associated objects (804, Fig. 10) via display facilities (802, Fig. 10), each object corresponding to a respective environmental device (Dads TV 712, Fig. 10) and being context relevant (Power, Brightness... Fig. 10), selecting an object (functions, line 16 column 16), executing the one or more tasks (capable of performing, line 17 column 16) while maintaining context-relevancy.

As to claim 18, Humpleman further discloses polling the environmental devices (provide feedback to the user, line 38 column 10) to determine (determining, line 34 column 10) a current state of the environmental devices (the device's representative

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state at any particular time, line 34 column 10); and updating the presented objects (represent, line 32 column 10) to evidence the so-determined current state (particular state, line 28 column 10).

As to claim 19, Humpleman further discloses transmitting a signal (Control/Command, Fig. 3A) to an environmental device (Home Device 204, Fig. 202) instructing it to change state (the user can control, line 43 column 7) and updating the presented objects to reflect the object selection (images of a DVCR playing, rewinding...line 30 column 10), so as to maintain context relevancy of the presented objects.

As to claim 20, Humpleman further discloses receiving information (feedback, line 38 column 10) from environmental devices (home device, line 37 column 10) to determine the physical location of the implementing mechanism (respective home device, line 27 column 10), and updating the presentation of objects (as to the particular state of the home device, line 38-39 column 10) based on the physical location.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of Darbee U.S Patent No. 6,130,726.

As to claim 7, Humpleman further discloses the tasking software system further has at least one of an object discovery subsystem. However, Humpleman does not teach a help subsystem.

Darbee discloses a program guide on a remote control display with a help subsystem (Quick Help, line 10 column 13). It would have been obvious to add the teachings of Darbee to the system of Humpleman because the user can use the Help Menu incase of not knowing what is the function of certain buttons; or he/she just wants to learn the basic set-up of the remote control.

As to claim 8, Humpleman further discloses the object discovery subsystem supports the discovery (dynamically updated as home devices are added and removed, line 48-49 column 11) of environmental devices (home devices, line 48-49 column 11).

As to claim 16, Humpleman further discloses the tasking system is distributed (1394 Serial Bus, Fig. 14) over the device (102, Fig. 14) and an external digital processing device (1104, Fig. 14).

As to claim 9, Humpleman further discloses the object discovery subsystem supports an introduction function (GENIP process 316, line 35 column 12) enabling communication of "get-to know-me" information (the device information, line 37 column 12) with environmental devices (home device, line 39 column 12).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Ikezaki U.S Patent No. 5,367,316 discloses remote-control apparatus for electronics apparatus.

Manson et al. U.S Patent No. 5,590,831 discloses menu driven remote control for a room air conditioner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The T. Ho whose telephone number is 703-306-5540.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

t.h
February 11, 2002



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